

ZB# 86-38

John & Susan Pucci

62-4-20

86-38 - Pucci, John & Susan
area.

Prelim.
9/22/86.

Public Hearing
12/27/86

Notice to
Sentinel 9/29/86 ✓

Need:
Copy of List.

area.
Jawand
Granted
on 10/27/86

TOWN OF NEW WINDSOR

555 Union Avenue

New Windsor, N. Y. 12550

General Receipt

8369

Received of

John and Susan Pucci

\$ 25.00

Seventy-Five and 00/100

DOLLARS

For

Variance Application Fee 86-38

DISTRIBUTION:

FUND	CODE	AMOUNT
CR# 1878		25.00

By

Pauline G. Townsend

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

Oxford®

ESSELTE

MADE IN U.S.A.

NO. 752 1/3

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

86-38

Date: 9/23/86

(914)937-5608

I. Applicant Information:

- (a) John and Susan Pucci, 31 Arnett St., Port Chester, N.Y. 10573
(Name, address and phone of Applicant) (Owner)
- (b) N/A
(Name, address and phone of purchaser or lessee)
- (c) John L. Mirabile, 47 South Main St., Spring Valley, N.Y. 10977 (356-0110)
(Name, address and phone of attorney)
- (d) N/A
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. Property Information:

- (a) R-4 Lakeside Drive, New Windsor 62-4-20 2.16 AC
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? only R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 6/5/86
- (e) Has property been subdivided previously? Yes When? 4/1/86
- (f) Has property been subject of variance or special permit previously? No When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regs., Col. 6.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. <u>35 ft.</u>	<u>27.5 ft.</u>	<u>7.5 ft.</u>
Reqd. Side Yd. <u>7</u>	<u>7</u>	
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

To move the foundation would mean we would not be able to build the house. Since we borrowed every penny so far, including the money for the property - we would be in debt for life. We are both 41 and have 4 children. We do not have a home, nor do we have any assets. We do not know what else we could have done except to apply for a variance since the problem was not discovered until after the foundation survey was completed.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Lot is approx. 350 ft. back from Lakeside Drive on a ROW. Minimum clearing of trees ^{was done} during excavation ^{which} should ensure the wooded atmosphere of this secluded location. Proper and permanent placement of stakes has been promised by surveyor upon completion of the house.

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ N/A Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 9/26/86

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

[Signature]
(Applicant)

Sworn to before me this
26 day of September, 1986.

[Signature]
SHIRLEY B. HASSDENTEUFEL
Notary Public, State of New York
#4764798
Residing in Orange County
Commission expires January 31, 1987

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 38

Request of JOHN AND SUSAN PUCCI

for a VARIANCE ~~SPECIAL PERMIT~~ of
the regulations of the Zoning ~~Ordinance~~ ^{Local Law} to
permit the completion of a one-family residential
dwelling with insufficient frontyard,

being a VARIANCE ~~SPECIAL PERMIT~~ of
Section 48-12-Table of Bulk Regs.- Col. E
for property situated as follows:

Lakeside Drive, New Windsor, N. Y. 12550
known and designated as Tax Map Section 62,
Block 4, Lot 20.

SAID HEARING will take place on the 27th day of
October, 1986, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

JACK BABCOCK
Chairman

PAT

Prelim.
9/22/86.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

86-38.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. Date 9/16 1986.

To : John & Susan Pecci
31 ARMETH ST
Port Chester, N.Y. 937-5608

PLEASE TAKE NOTICE that your application dated 9/16 1986
for permit to, One Family Home R-4 Zone
at the premises located at Lake Side Drive B. Dam

is returned herewith and disapproved on the following grounds:
Front Yard 35 Ft Back HAS 27.5 Ft

John Pinnigan Zoning Inspector
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. 35	27	

ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

86-38

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date 9/16, 1986

To John & Susan Pucci

31 ARMETH ST

Port Chester, N.Y.

939-5608

PLEASE TAKE NOTICE that your application dated 9/16, 1986

for permit to One Family Home R-4 Zone

at the premises located at Lake Side Drive B Dam

is returned herewith and disapproved on the following grounds:

FRONT YARD 35 FT BACK HAS 27.5 FT

John P. Finnegan Zoning Inspector
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. <u>35</u>	<u>27.5</u>	<u>7.5</u>
Reqd. Side Yd. <u>1</u>	<u>1</u>	
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	% <u>7.5</u>
Floor Area Ratio**		

* Residential Districts only
** Non-residential districts only

NEW WINDSOR ZONING BOARD OF APPEALS

-----X
In the Matter of the Application of

JOHN PUCCI/ROBERT RAMEL

DECISION GRANTING
AREA VARIANCE

#86-38.
-----X

WHEREAS, JOHN PUCCI, 31 Armett St., Port Chester, N. Y. 10573 (contract purchaser) and ROBERT RAMEL, 481 Maple Avenue, New Windsor, N. Y. 12550 (Owner), have made application before the Zoning Board of Appeals for an area variance to construct a one-family residential dwelling to be located on Lake Road, New Windsor, N. Y. in an R-4 zone;

WHEREAS, a public hearing was held on the 27th day of October, 1986 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant PUCCI represented himself; and

WHEREAS, the application was unopposed;

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to construct a one-family residential dwelling with insufficient front yard.

3. The evidence presented by the applicant substantiated the fact that the proposed construction would not be detrimental to the neighboring properties which are residential in nature.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the variance requested is not granted due to the fact there is no additional property available to purchase in order for applicant to meet the bulk requirements of the Zoning Local Law.

2. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood which is residential in nature.

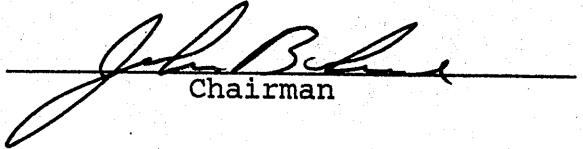
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 7.5 ft. front yard variance to Applicant in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: November 10, 1986.


Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

file

October 30, 1986

Mr. and Mrs. John Pucci
31 Arnett Street
Port Chester, N. Y. 10573

RE: APPLICATION FOR AREA VARIANCE
#86-38

Dear John and Susan:

This is to confirm that a public hearing was held regarding the above-entitled application before the Zoning Board of Appeals. The Board voted to grant the above request for an area variance. This decision was made at the October 27, 1986 meeting.

Formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy by return mail.

Best regards.

Very truly yours,

Patricia Delio

PATRICIA DELIO
Secretary to Zoning Bd. of Appeals

/pd

cc: Town Building Inspector
Planning Board

10/27/86

Public Hearing

Pucci, John -

#86-38

Name:

Address:

Michelle Pucci

Stephen J. Pucci

be Puci

31 Armett St. Rochester N.Y. 10573

Robert Rame

481 Maple Ave West Huron

PUBLIC NOTICE OF
HEARING BEFORE ZONING
BOARD OF APPEALS
TOWN OF NEW WINDSOR
PLEASE TAKE NOTICE that
the Zoning Board of Appeals of
the TOWN OF NEW WINDSOR,
New York will hold a Public
Hearing pursuant to Section
48-34A of the Zoning Local Law
on the following proposition:

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pletion of a one-family
residential dwelling with in-
sufficient frontyard, being a
VARIANCE of Section
48-12 Table of Bulk Regs.
-Col. E for property situated
as follows: Lakeside Drive,
New Windsor, N.Y. 12550
known and designated as Tax
Map Section 62, Block 4, Lot
20.

SAID HEARING will take place
on the 27th day of October, 1986,
at the New Windsor Town Hall,
555 Union Avenue, New Windsor,
N.Y. beginning at 7:30 o'clock
P.M.

JACK HABCOCK
CHAIRMAN

BY Patricia Delio,
Secretary

State of New York

County of Orange, ss:

Everett W. Smith, being duly sworn

disposes and says that he is

Publisher of the E.W. Smith

Publishing Company, Inc. publisher

of The Sentinel, a weekly newspaper

published and of general circulation

in the Town of New Windsor, and that

the notice of which the annexed is

a true copy was published once

in said newspaper, commencing on

the 9th day of October A.D., 1986

and ending on the 9th day of October
A.D. 1986

Everett W. Smith
Subscribed and shown to before me

this 27th day of Oct, 1986

Patricia A. Moore

Notary Public of the State of New York
County of Orange.

My commission expires 7/31/88

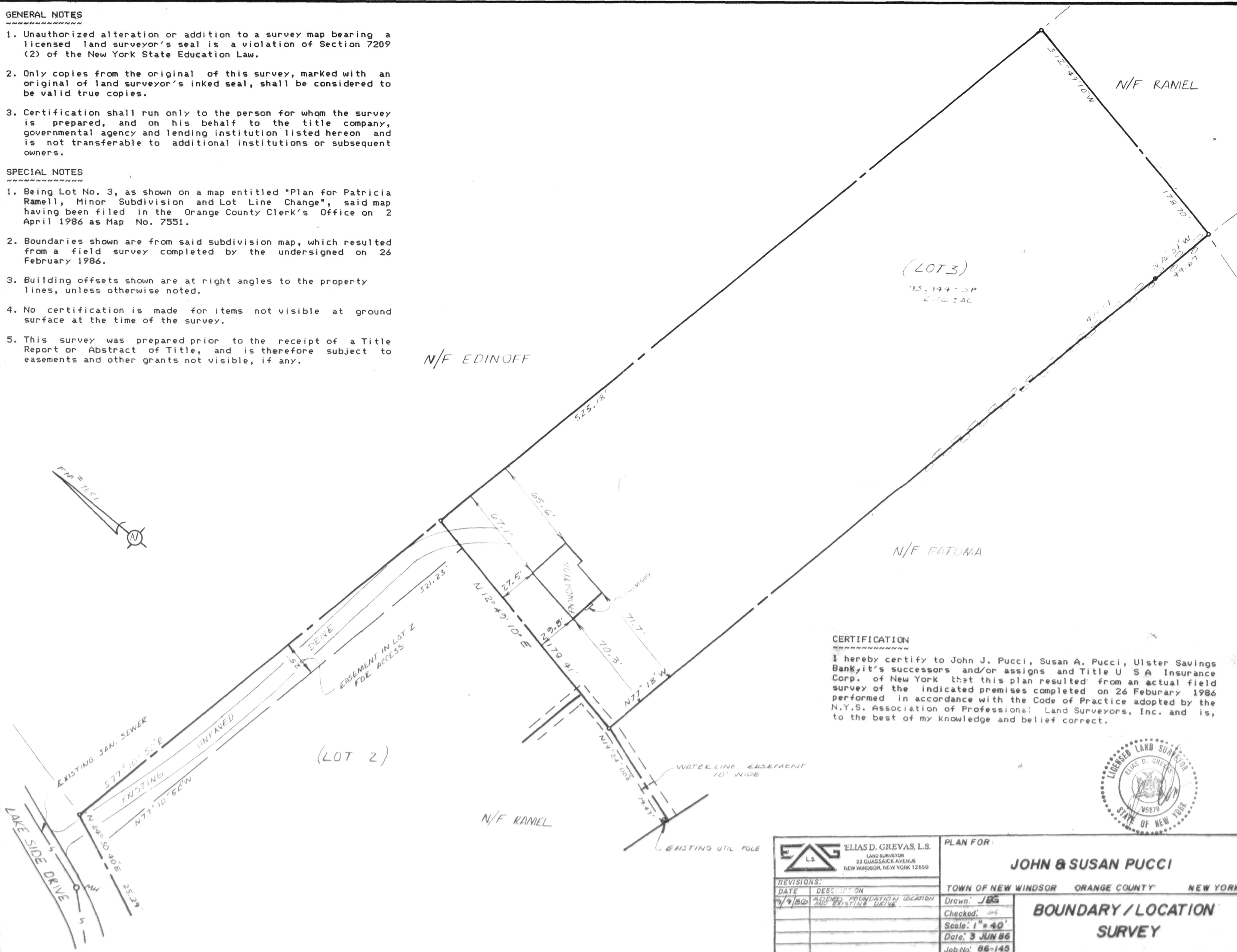
PATRICIA A. MOORE
Notary Public, State of New York
Qualified in Orange County,
No. 4814759
Commission Expires July 31, 1988

GENERAL NOTES

1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209 (2) of the New York State Education Law.
2. Only copies from the original of this survey, marked with an original of land surveyor's inked seal, shall be considered to be valid true copies.
3. Certification shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon and is not transferable to additional institutions or subsequent owners.

SPECIAL NOTES

1. Being Lot No. 3, as shown on a map entitled "Plan for Patricia Ramell, Minor Subdivision and Lot Line Change", said map having been filed in the Orange County Clerk's Office on 2 April 1986 as Map No. 7551.
2. Boundaries shown are from said subdivision map, which resulted from a field survey completed by the undersigned on 26 February 1986.
3. Building offsets shown are at right angles to the property lines, unless otherwise noted.
4. No certification is made for items not visible at ground surface at the time of the survey.
5. This survey was prepared prior to the receipt of a Title Report or Abstract of Title, and is therefore subject to easements and other grants not visible, if any.



CERTIFICATION

I hereby certify to John J. Pucci, Susan A. Pucci, Ulster Savings Bank, its successors and/or assigns and Title U S A Insurance Corp. of New York that this plan resulted from an actual field survey of the indicated premises completed on 26 February 1986 performed in accordance with the Code of Practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc. and is, to the best of my knowledge and belief correct.



ELIAS D. GREVAS, L.S. LAND SURVEYOR 33 QUASSACK AVENUE NEW WINDSOR, NEW YORK 12550		PLAN FOR: JOHN & SUSAN PUCCI	
TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK		Drawn: JEG Checked: JEG Scale: 1" = 40' Date: 3 JUN 86 Job No: 86-145	